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OFFICE OF PETITIONS

In re Application of	:	
Wallen et al.	:	
Application No. 10/063,288	:	DECISION
Filed: April 8, 2002	:	ON PETITION
Attorney Docket Number:	:	
47865.272600	:	

This is a decision in response to the correspondence received December 27, 2005. The correspondence is properly treated as a Petition Under 37 CFR § 1.181, requesting withdrawal of the holding of abandonment.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the nonfinal Office action, mailed February 4, 2005, which set a three (3) month period for reply. No reply having been received, this application became abandoned May 5, 2005. A Notice of Abandonment was mailed on September 7, 2005.

Applicant's Assertion

Applicant files the instant correspondence and a copy of a return-receipt postcard evidencing receipt of an Amendment and three (3) month extension of time request by this Office on July 25, 2005.

Applicable Law, Rules and MPEP

"A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO."
MPEP § 503.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 3761 for consideration of the Reply to the Office Action and for continued examination in due course.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3232.


Derek L. Woods

Attorney

Office of Petitions